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# general plan

SANTA CLARA COUNTY

UNIVERSITY OF CALIFORNIA

**LAND  
USE  
MAP  
POLICIES**

LUM.1.1 Resource Conservation Areas consist primarily of the mountain lands, the wetlands and lowlands and the very fine remaining agricultural lands of the county.

LUM.1.2 Allowable uses of these lands shall be compatible with resource conservation and the land's inherent natural qualities: Allowable density and uses shall conserve the resources of the land in such a way that the county's air  
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LUM.1.6 Development shall be very limited filling for public use or study

LUM.1.7 No new or expanded waste sites shall be made into parks for disposal.

LUM.1.8 Creeks and streamsides wherever

LUM.1.9 Allowable Uses: Creeks and streamsides shall be preserved in their natural state providing for drainage, percolation, wildlife habitat, aesthetic relief and open space. Recreational uses that are environmentally compatible are allowable within the creek buffer area.

LUM.2.0 Development Policies: Creeks and streamsides shall be protected in their natural state and shall be restored whenever possible. There shall be no building, parking, clearing, or despoliation within the creek buffer area.

JUNE 1987





County of Santa Clara  
California

88 00701  
Department of Land Use and Development  
Office of Planning  
County Government Center, East Wing  
70 West Hedding Street  
San Jose, California 95110  
(408) 299-2521

July 7, 1987

To: Recipients of the Santa Clara County General Plan

From: Robert L. Sturdivant, Chief Planning Officer

*RLS*

Re: LAND USE MAP POLICIES

As part of its General Plan adopted in 1981, the County of Santa Clara published a Land Use Map identifying land use designations for the unincorporated areas of the county. County policies relating to the land uses allowable within each designation were also included on this map.

Since 1981, the Board of Supervisors has adopted several General Plan amendments affecting County Land Use Map policies. This Land Use Map Policies document contains the County's current policies (including amendments to date) and should be used in place of the policies printed on the Land Use Map.

\* \* \* \* \*

\*  
\* Note: An up-to-date, black and white version \*  
\* of the Land Use Map is currently being prepared. \*  
\* When it is available (approximately August), it \*  
\* should be used with this policy document. \*  
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\* \* \* \* \*

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## RESOURCE CONSERVATION AREAS

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# RESOURCE CONSERVATION AREAS

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## DESCRIPTION

- LUM.1.1 Resource Conservation Areas consist primarily of the mountain lands, the wetlands and lowlands and the very fine remaining agricultural lands of the county.
- LUM.1.2 Allowable uses of these lands shall be compatible with resource conservation and the land's inherent natural qualities. Allowable density and uses shall conserve the resources of the land in such a way that the county's air quality is maintained, the very fine agricultural soils of the county are kept for productive use, the watersheds are protected and the per capita energy demand is not increased.
- LUM.1.3 Lands outside the Urban Service Areas, not clearly established in designated "Rural Residential" uses or in other specialized land uses are designated "Resource Conservation."

## A. BAYLANDS

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### DESCRIPTION

- LUM.1.4 The Baylands are of major environmental importance for the climate and quality of life within the county. Current uses include the National Wildlife Refuge, parks, salt ponds, marshes, public waste disposal areas, home for rare, endangered and locally unique forms of plant and animal life, public educational facilities, and limited harbor and boat works.

### ALLOWABLE USES

- LUM.1.5 Edges of the San Francisco Bay shall be preserved and restored as open space. Allowable uses include bay waters and sloughs, marshes and marsh restoration, salt extraction, wildlife habitat, open space preserves, small piers and walkways, wildlife observation, walking, horseback riding, bicycling, fishing, boating, education, swimming, limited hunting, aqua culture, and marinas.

### DEVELOPMENT POLICIES

- LUM.1.6 There shall be no filling of the wetlands except for very limited filling for small levees, piers or walkways necessary for the public use or study of the baylands.
- LUM.1.7 No new or expanded waste disposal sites shall be approved, and existing sites shall be made into parks or open space when terminated for waste disposal.

## B. STREAMSIDES

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### DESCRIPTION

LUM.1.8 Creeks and streamsides wherever they occur.

### ALLOWABLE USES

LUM.1.9 Creeks and streamsides shall be preserved in their natural state providing for drainage, percolation, wildlife habitat, aesthetic relief and open space. Recreational uses that are environmentally compatible are allowable within the creek buffer area.

### DEVELOPMENT POLICIES

LUM.1.10 Creeks and streamsides shall be protected in their natural state and shall be restored whenever possible. There shall be no building, parking, clearing, or despoliation within the creek buffer area.



## C. AGRICULTURE

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- LUM.1.11 Santa Clara County is enriched by a special combination of the very finest soils, a very favorable, dependable growing climate and generally adequate water supplies. Lands in agricultural uses contribute to the economy and quality of life. This combination of factors makes it highly desirable that certain lands be preserved for agricultural uses. Permanent preservation is the goal for the best areas. (See the Natural Environment Section for programs for the preservation of agriculture which supplement the General Plan land use designation.) Other areas are designated "Agriculture" for the life of the plan so that there will continue to be a productive use of land not now planned for city development. Some areas shall be preserved in agricultural uses because these are the most suitable uses in areas where physical limitations including flooding and high ground water conditions make them unsuitable for more intensive uses.

### DESCRIPTION

- LUM.1.12 Lands with Class I, II and Class III soils are designated for agricultural uses in areas where they generally have been in agricultural production and where agricultural uses are most appropriate.

### ALLOWABLE USES

- LUM.1.13\* Agricultural activities, uses necessary to support those agricultural activities, and uses compatible with agriculture. [As amended Nov. 1983 - Agricultural Land Uses amendment].

### DEVELOPMENT POLICIES

- LUM.1.14 "Large Scale Agriculture" is designated where minimum lot sizes shall be 40 acres.
- LUM.1.15 "Medium Scale Agriculture" is designated where minimum lot sizes shall be 20 acres.
- LUM.1.16 In order to avoid premature pressure for conversion of agricultural lands, LAFCO should reaffirm the five year time period for inclusion of land within Urban Service Areas.
- LUM.1.17 LAFCO should adopt policies which assure that cities do not annex land in the agricultural reserve areas ("Large Scale Agriculture" designation).

\* Indicates new or amended text.

## **D. HILLSIDE AREAS**

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### **DESCRIPTION**

- LUM.1.18 Mountainous lands unplanned or unsuited for city development shall be preserved in an open condition with uses which support and enhance a rural character, which protect and promote wise use of natural resources, and which avoid the risks imposed by natural hazards found in these areas.
- LUM.1.19 These lands are watersheds and may also provide such important resources as minerals, forests, animal habitat, rare or locally unique plant and animal communities, historic and archeological sites, scenic beauty, grazing lands, recreational areas, and land which defines the setting for the urban area. Development shall be limited to avoid augmented need for public services and facilities.

### **ALLOWABLE USES**

- LUM.1.20 Land uses shall be agricultural and grazing, mineral extraction, parks and low-density recreational facilities, land in its natural state, wildlife refuges, and very low intensity residential development. Commercial, industrial or institutional uses may also be allowed which support recreation or the productive use or study of the natural resources, and which must by their nature be located outside of cities.

### **DEVELOPMENT POLICIES - DENSITY**

- LUM.1.21\* Density of development shall be based on a curved line formula between 20 and 160 acres as shown on the attached chart subject to the following criteria: [As amended Dec. 1981 - Slope Density amendment]
- LUM.1.22 1. Both the roads within the proposed development and those serving the area of the development must be of adequate design, maintenance, and capacity to accommodate the development without causing congestion or safety problems.
- LUM.1.23 2. The portion of the site where roads, buildings, and septic drainfields are allowed must be identified on the subdivision map and shall be free from conflict with natural and heritage resources or these conflicts must be adequately mitigated.
- LUM.1.24 3. Any areas of the site which pose a hazard must be placed in permanent open space (landslides, excessive slopes, faults, etc.).

\* Indicates new or amended text.

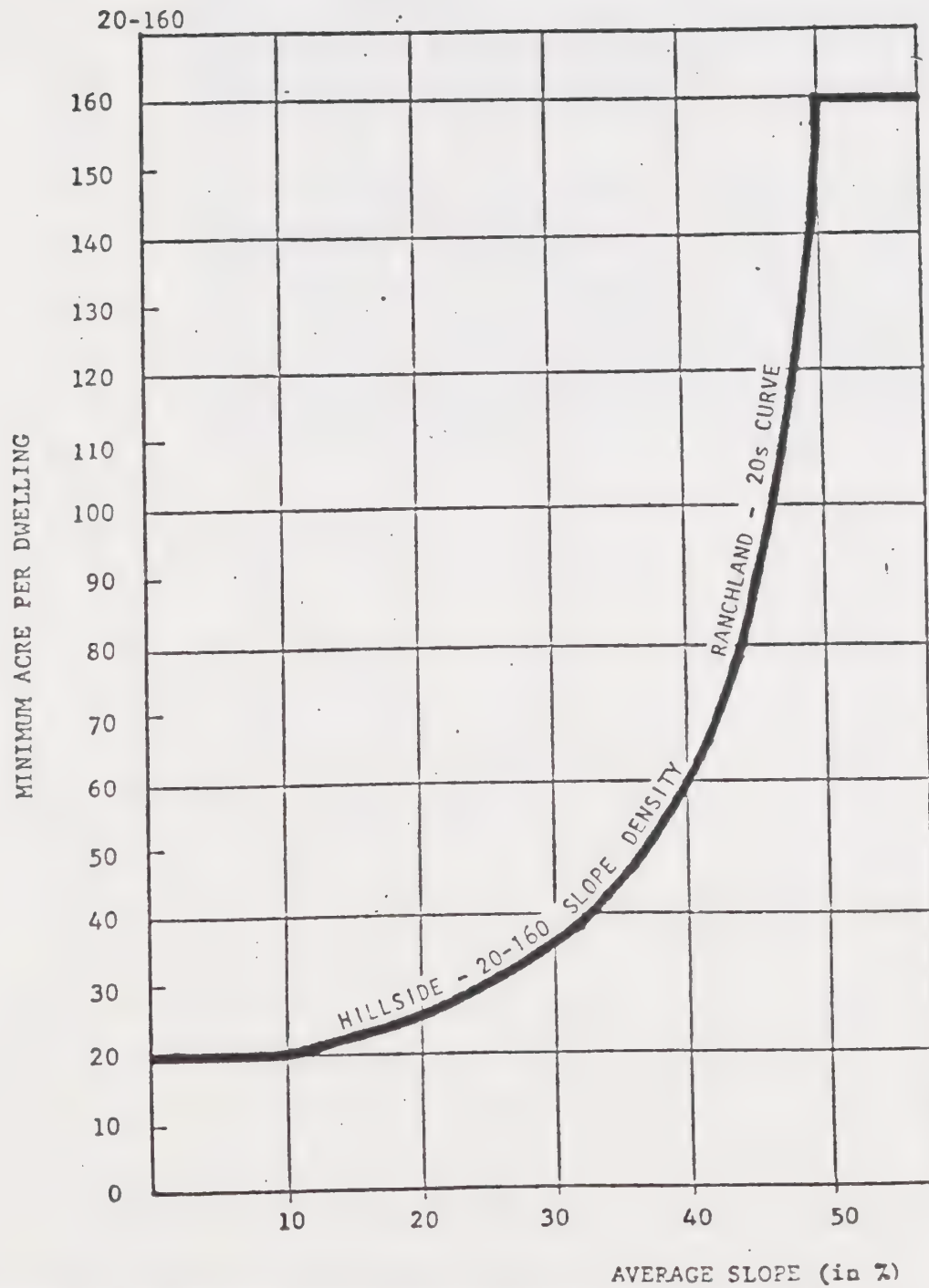
- LUM.1.25 4. Homesites and drainfields must be placed only where their presence would not run a risk of environmental pollution (set back from creeks, no drainfields in areas of excessively high percolation or high groundwater, etc.).
- LUM.1.26\* 5. Roads, building sites, and facilities shall not be allowed to create major or lasting visible scars on the landscape. Structures on ridgelines must be located, constructed or landscaped so that they do not create a major negative visual impact from the Valley floor. [As amended Dec. 1981 - Ridgeline Development amendment]
- LUM.1.27 6. If the site is in the Williamson Act, there must be an application to cancel or exclude from the contract the areas that will be included in the residential lots created.
- LUM.1.28 7. All standards and criteria of the General Plan and of all applicable County ordinances are met.
- LUM.1.29\* 8. Land should be divided in such a way that building sites, if possible, are not located on ridgelines. [As amended Dec. 1981 Ridgeline Development amendment]

#### **DEVELOPMENT POLICIES - MANDATORY CLUSTERING AND OPEN SPACE DEDICATION**

- LUM.1.30 In order to utilize the number of building sites determined by the 20 - 160 acre slope density formula, the project must be designed as a cluster and must permanently preserve at least 90% of the land area as open space.
- LUM.1.31 The clustered home sites shall not have lots of less than 2 acres in size.
- LUM.1.32 The building envelopes on the home sites as well as an area suitable for construction of accessory structures shall be specified and the combined area of this land shall not exceed 10% of the gross land area of the site.
- LUM.1.33\* For any two-lot subdivision of land, the minimum lot size shall be determined by use of the slope density formula and neither a clustering permit nor dedication of open space shall be required, subject to the following conditions:
1. The parcel being divided was not itself created after the date of this amendment, and
  2. Any subsequent subdivision of the two lots so created shall meet the cluster permit standards. [New Policy - Adopted Nov. 1983 - Hillside Subdivision amendment]



20-160 ACRE SLOPE DENSITY FORMULA



**SANTA CLARA COUNTY GENERAL PLAN AMENDMENT**  
APPLICANT: Board of Supervisors FILE NO: 81-2-8  
Adopted 12/81



LUM.1.34

At least 90% of the gross land area shall be permanently preserved as open space through easements and shall be configured as large, usable and contiguous areas. The open space may be restricted through easements over portions of individually owned parcels or may be separate parcels owned in common or individually. The open area shall be privately controlled and not open to the public unless the developer chooses to deed the open area to a public agency willing to accept the land. For projects which do not meet these clustering and open space requirements, the minimum lot size for division of land shall be 160 acres.

### **DEVELOPMENT POLICIES - LOS GATOS WATERSHED**

LUM.1.35

Significant areas within the Los Gatos Watershed are divided into a pattern of very small parcels. They do not carry a "Rural Residential" designation, however, because of a multitude of severe existing substandard conditions and some virtually insolvable constraints. All portions of the Los Gatos Watershed are designated "Hillside" and development on existing parcels is dependent on meeting County General Plan standards and criteria. (See Detailed Land Use Policies for complete policies for the Los Gatos Watershed.)



## **E. RANCHLANDS**

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### **DESCRIPTION**

- LUM.1.36 Lands which are predominantly used as ranches in areas which are far from the urban portions of the county. These lands are watersheds and provide such important resources as grazing lands, minerals, forests, animal habitat, rare or locally unique plant and animal communities, historic and archeologic sites, areas of scenic beauty, and recreational areas.
- LUM.1.37 The existing very low intensity uses, rural lifestyle, and limited public access shall be maintained. Development policies shall protect the continued use of the land for ranching.
- LUM.1.38 Population shall be held to a minimum, and land uses shall be of a nature and intensity which do not require higher levels of service than those presently provided.
- LUM.1.39 Ranchland policies will be reviewed in one year. Monthly subdivision and certificate of compliance data will be collected. If at the end of one year activity in the Ranchlands approaches the limits for subdivisions, it will be necessary to revise the Ranchlands policies.

### **ALLOWABLE USES**

- LUM.1.40 The primary use shall be ranching. Other uses may include agriculture, low intensity recreation, mineral extraction, land in its natural state, hunting, and wildlife refuges. Very low intensity residential, commercial, industrial, and institutional uses may also be allowed if they primarily support ranching activities or are necessary for the enhancement, protection, or study of the natural resources of the area.

### **DEVELOPMENT POLICIES**

- LUM.1.41 Development shall be guided by the following concepts:
- LUM.1.42 1. No large ranches shall be allowed to fully subdivide into small lots.
- LUM.1.43 2. The function of allowed lot splits should be:
- o to help ranchers trade land,
  - o to raise capital in time of need,
  - o to settle estates,
  - o to provide for family divisions, but to limit the growth to very little added population.

- LUM.1.44 3. The right of ranchers to build residences and to divide Williamson Act property under the terms of the existing contracts is affirmed.
- LUM.1.45 4. There shall be a limit to the number of lots created within the Ranchland area.
- LUM.1.46 5. The rural character of the area shall not be changed and land use decisions shall prevent an influx of people into the area.

### **DENSITY AND LIMITATIONS OF LOT SPLITS**

- LUM.1.47 Minimum lot sizes shall be either those of the 20 to 160 acre slope density formula, or 160 acres, and shall be subject to the following limitations and criteria:
- LUM.1.48 1. At the time of application, the entire area of land held in contiguous ownership by the applicant shall be included in the application even though the proposed land division might affect only a small area of the holding.
- LUM.1.49 2. Major subdivisions (more than 4 lots) shall be discouraged.
- LUM.1.50 3. No division of land into parcels less than 160 acres shall be granted on a land holding where the division would result in the creation of more than four lots within the land holding during a three year period.
- LUM.1.51 4. The Ranchlands shall be separated into two geographic areas: Area A to the north of Coe State Park and Area B to include the remainder of the Ranchlands.
- LUM.1.52 5. Within Area A, the number of lots of less than 160 acres in size shall be limited to no more than 40 in a calendar year and no more than 75 within any consecutive three years. In addition, there shall be a limitation on the creation of lots over 160 acres in size, with no more than 20 such lots per calendar year.
- LUM.1.53 6. Within Area B, the number of lots of less than 160 acres in size shall be limited to no more than 20 in a calendar year and no more than 38 within any consecutive three years. In addition, there shall be a limitation on the creation of lots of 160 acres or more in size, with no more than 10 such lots per calendar year.
- LUM.1.54 7. Lots which are created without building site approval must be restricted from building site use, and shall count as lots created for the purpose of the annual subdivision limit for Ranchlands.

LUM.1.55

8. Ranch roads serving the internal needs of the ranches may be of gravel or hard dirt surface, and of widths suitable for ranch use. Such roads shall not be considered as acceptable for the purpose of subdivision unless they meet applicable County standards for the Ranchland area. Routine maintenance of ranch roads shall not require grading permits so long as the alignment of the roads is not changed.



## **F. OPEN SPACE RESERVE**

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### **DESCRIPTION**

LUM.1.56 Open lands which are near to a City Urban Service Area.

### **ALLOWABLE USES**

LUM.1.57 Agriculture and Open Space.

### **DEVELOPMENT POLICIES**

LUM.1.58 No lots of less than 20 acres shall be created.

LUM.1.59 No commercial, industrial or institutional uses shall be allowed.

LUM.1.60 The County and the City of Gilroy should work together to refine the relationship of the Open Space Reserve, the reserve for future urban growth and long-term agricultural lands.

LUM.1.61 The County and the City of San Jose should jointly consider the Open Space Reserve area in Almaden Valley to resolve planning issues for the area.

## **G. EXISTING REGIONAL PARKS**

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### **DESCRIPTION**

LUM.1.62 Parks of the County, Cities, State of California and Federal Government which serve a region-wide population.

### **ALLOWABLE USES AND DEVELOPMENT POLICIES**

LUM.1.63 See the Chapter on Recreation and Culture for policies governing these lands.

## H. OTHER PUBLIC OPEN LANDS

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### DESCRIPTION

- LUM.1.64      Lands in Open Space uses which are owned by various public agencies for purposes other than general public parks and recreation use. The lands are owned by such agencies as the United States, the State of California, Regents of the University of California, City and County of San Francisco, Santa Clara Valley Water District, City of Palo Alto and others. While some areas may be open to public access, others are not available for access and use by the general public, though they may be available on a permit basis.
- LUM.1.65      Midpeninsula Regional Open Space District lands are generally undeveloped and are generally open to the public without permits.











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# RURAL RESIDENTIAL AREAS

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## DESCRIPTION

- LUM.2.1 Areas outside of city Urban Service Areas where residential density generally exceeds one dwelling unit in ten acres, where the use of the land is primarily for residential purposes and where workers generally commute to jobs elsewhere on a daily basis.
- LUM.2.2 The "Rural Residential" designation is applied to areas which have an established pattern of small, primarily developed parcels assembled in aggregations large enough to be considered more than simple clusters of rural development. Areas which are designated lie outside of lands planned by cities for future inclusion in Urban Service Areas. Some could eventually become new cities, but most will remain the responsibility of the County.
- LUM.2.3 The County will promote the well being and adequate functioning of these areas and will protect the resources upon which they depend.
- LUM.2.4 Only the most significant areas are designated, and no area has been designated which is not already well established with small acreage, residential uses.
- LUM.2.5 Proposals for changes in "Rural Residential" designation boundaries shall be considered at the time of the General Plan Annual Review.
- LUM.2.6 (Areas designated "Rural Residential" include portions of the east foothills of San Jose, for which the City of San Jose has a non-residential land use policy, where parcel size minimums are 20 acres. This apparent policy conflict should be resolved by the Board of Supervisors working with San Jose.)

## ALLOWABLE USES

- LUM.2.7 Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they serve the needs of the resident population and result in a net overall reduction of travel demand.

## DEVELOPMENT POLICIES

- LUM.2.8      **Expansion or Creation of Rural Residential Areas:** The boundary lines drawn around the prematurely urbanized Rural Residential areas shall be firm boundary lines not to be breached, and the County shall develop procedures to assure that these areas do not expand.
- LUM.2.9      **Densities:** 5 to 20 acres per dwelling.
- LUM.2.10     **San Martin:** San Martin is a special case of Rural Residential. Interim policies shall be in place until a special Detailed Plan is complete.
- LUM.2.11\*    Parcel sizes shall be 5 acre minimum. [As amended Nov. 1982 - San Martin Land Use Policies amendment]
- (Detailed Special Land Use Policies for San Martin are found in the Detailed Land Use Policy Section.)







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## OTHER LAND USES

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## A. NEW ALMADEN HISTORIC AREA

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LUM.3.1

A nationally registered historic area which shall be preserved under the provisions of the special Historic District applied to the area.



## B. MAJOR EDUCATIONAL AND INSTITUTIONAL USES

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- LUM.3.2 Lands belonging to a university, religious order, or private institution, used as a place of learning, an academic reserve for future university use, a seminary, or a research facility.

### UNIVERSITY LANDS -- CAMPUS

- LUM.3.3 **Description:** Lands currently developed for academic uses, with a full complement of activities and densities which give them an urban character.
- LUM.3.4 **Allowable Uses:** Academic and academic related uses -- instruction and research, faculty, staff and student housing and support services.
- LUM.3.5 Substantial housing and traffic mitigation measures must be taken to balance increases after December 1980 in student enrollment, faculty and staff with their respective housing needs.
- LUM.3.6 **Development Policies:** Urban services are the responsibility of the University.
- LUM.3.7 A request to add lands to this land use designation shall be processed in accordance with General Plan amendment procedures.

### UNIVERSITY LANDS -- ACADEMIC RESERVE AND OPEN SPACE

- LUM.3.8 **Description:** Lands outside of the campus area which currently have an open space character or use, or a low intensity academic use. These lands are important for their scenic beauty, visual relief, grazing, and wildlife values, as well as their academic potential.
- LUM.3.9 **Allowable Uses:** Uses which are compatible with the existing character of land and its resources -- open space and low intensity uses limited to instruction and research, faculty, staff and student housing, and uses ancillary to the allowable uses. Any new housing in this category would be low intensity, retaining a maximum amount of open space. (In defining low intensity, the standards of the city within whose sphere of influence it lies should be considered as a guide.) All uses shall be subject to review and use permit.

LUM.3.10

**Development Policies:** Policies focusing on environmental concerns and conservation of natural, visual and heritage resources must be developed for the entire academic reserve through a cooperative process among the Board of Supervisors, the University Board of Trustees and the city council of the city in whose sphere of influence the university is located. A special area plan shall normally be required for the entire area affected by a specific development proposal prior to consideration of a use permit. Any division of property must come to the County for approval.

## UNIVERSITY LANDS -- STUDY AREA

LUM.3.11\*

Land Use designations for this limited area shall be determined by the County through a cooperative effort of the County, the City of Palo Alto, and Stanford University. Proposals for the area shall be considered with regard to the needs of the University and the community. [New Policy - Adopted Nov. 1982 - Palo Alto Urban Service Area amendment ]

## OTHER EDUCATIONAL AND INSTITUTIONAL USES

LUM.3.12

**Description:** Colleges, astronomical observatories, seminaries, and private educational facilities.

LUM.3.13

**Allowable Uses and Development Policies:** New or expanded facilities shall provide all services necessary for their operations and shall be compatible with the land uses in the area in which they are located.

## C. MAJOR PUBLIC FACILITIES

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LUM.3.14

County government centers, United States Government lands used for defense and space research installations, and other large scale governmental facilities.

## **D. COMMUNICATION AND UTILITIES**

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### **DESCRIPTION**

LUM.3.15 Electric and gas substations or major distribution facilities, and concentrated sites for telecommunications facilities.

### **ALLOWABLE USES AND DEVELOPMENT POLICIES**

LUM.3.16 Gas and electric power distribution facilities shall be governed by the Gas and Electric Utilities Element of the General Plan.

LUM.3.17 Sites for telecommunication equipment such as radio, television, microwave, and similar transmissions and relays shall be strictly controlled and limited so that:

1. The number of such facilities is kept to the lowest level consistent with the technology and need for such facilities.
2. Sites will not be allowed to proliferate or to be scattered about the hills.
3. Access roads, site design, and specific locations must not have an adverse visual or environmental impact.



## **E. TRANSPORTATION**

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### **DESCRIPTION**

LUM.3.18 Airports, bus facilities, and storage yards for road maintenance.

### **ALLOWABLE USES AND DEVELOPMENT POLICIES**

LUM.3.19 New public transportation facilities shall be compatible with the land uses in the areas in which they are located, and shall be consistent with General Plan policies.

## F. ROADSIDE SERVICES

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### DESCRIPTION

- LUM.3.20\* A limited number of private facilities and business serving the motoring public in dispersed locations. [As amended Nov. 1983 - Roadside Services amendment]

### ALLOWABLE USES

- LUM.3.21\* Restaurants, motels, recreational facilities which require a rural setting, wine tasting rooms, farmers markets, gas stations, and similar uses serving the current motoring public. [As amended Nov. 1983 - Roadside Services amendment]

### DEVELOPMENT POLICIES

- LUM.3.22 No new roadside service shall be approved which should appropriately be located within a city.
- LUM.3.23 New or expanded roadside services shall be approved only if they will not be disruptive of the designated land uses in this Plan for adjacent lands.
- LUM.3.24\* No commercial development, such as motels and restaurants, which generate high levels of sanitary waste should be allowed to develop on septic tanks. In evaluating the proposal, consideration should be given to the capacity of the site to support adequate sewage treatment. Consideration may also be given to alternative treatment methods, if there is adequate maintenance and monitoring of them. [As amended Nov. 1983 - Roadside Services amendment]
- LUM.3.25\* Development shall not occur on the land commonly known as the Nob Hill property (south side of Hecker Pass Road at Burchell Road) until the appropriate advisory agency has determined that adverse environmental impacts are reduced to a less than significant level. [New policy - Adopted Nov. 1983 - Nob Hill Foods amendment]
- LUM.3.26\* New Roadside Service areas shall not be designated unless the appropriate advisory agencies have determined that adverse environmental impacts will be reduced to a less than significant level. [New policy - Adopted Nov. 1983 - Roadside Services amendment]

LUM.3.27\*

When development is presented for approval in phases, the cumulative impacts of the total development shall be considered. When subsequent development phases are presented for approval, previously approved phases shall be reviewed to determine the effectiveness of mitigation. No approval of an earlier development phase shall imply commitment to approve later development phases. [New policy - Adopted Nov. 1983 - Roadside Services amendment]

## G. QUARRIES

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### DEVELOPMENT POLICIES

- LUM.3.28 All quarries and mines are to have a plan for the rehabilitation of the property and the control of erosion from the operation.
- LUM.3.29 All existing operations shall be subject to periodic review to evaluate the compliance of the operation with the conditions placed upon it, and to add such requirements as are necessary for the rehabilitation of the site or the control of erosion.
- LUM.3.30 The County should promote the rehabilitation of land which has been left in an environmentally damaged condition as the result of past quarry operations.
- LUM.3.31 No new quarries or mines shall be allowed in areas where their operations would be disruptive of other uses.



## H. SOLID WASTE DISPOSAL SITES

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### DEVELOPMENT POLICIES

- LUM.3.32\* The creation of new or expansion of existing solid waste facilities, as defined below, is governed by the County Solid Waste Management Plan, and must be found to be in conformance with this General Plan, and designated on the Land Use Map. Establishment or expansion of any solid waste facility shall be compatible with land uses authorized by the plan for properties adjacent to and near the site of such facility. [As amended Nov. 1983 - Waste Management amendment]
- LUM.3.33\* Solid waste facilities are defined to include:
- o landfills or other disposal facilities,
  - o solid waste transfer or processing stations,
  - o resource recovery facilities,
  - o composting facilities. [New policy - Adopted Nov. 1983 - Waste Management amendment]
- LUM.3.34 Once the use of a site for waste disposal has terminated, the site shall return to the general land use designation of the area in which it is located, however no past solid waste disposal site shall be used for construction of dwellings or structures for human occupancy.

## I. INDUSTRIAL FACILITIES

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### DESCRIPTION

LUM.3.35 Major existing industrial facilities located in Resource Conservation areas.

### DEVELOPMENT POLICIES

LUM.3.36 At the termination of the present industrial use, the land shall revert to the Resource Conservation use designated for the area.

LUM.3.37 Existing industrial uses outside of city Urban Service Areas may be expanded only if:

1. The use being expanded is of a nature which must have a rural location and cannot reasonably be conducted within an Urban Service Area.
2. Provision is made by the company for transit or shuttle bus service to the site.
3. There is an available housing supply for the workers within a reasonable commuting distance.
4. The roads serving the site are adequate for the traffic expected.
5. The industry is capable and willing to provide its own services.
6. The expansion plan provides for the rehabilitation of any physical damage done to the site through its industrial use.

## J. LOS GATOS HILLSIDE LAND USE POLICIES

LUM.3.38\*

The jointly adopted Los Gatos Hillside Plan is the specific area plan for the portion of the County included within that joint hillside study and shall be considered compatible with the County General Plan providing that the densities in the 20 - 160 areas conform to the curved\* line formula of this plan for Hillsides. [As amended Dec. 1981 - Slope Density amendment]









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## THE URBAN AREA AND THE URBAN TRANSITION

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- LUM.4.1\* Urban development should take place in cities. Unincorporated land within Urban Service Areas, suitable for urban development, should be annexed at a time consistent with city development schedules, and development should conform to city general plans. [As amended Dec. 1981 - Constructed Environment amendment]
- LUM.4.2\* The County will allow urban development within Urban Service Areas only if the land is suitable for urban development, annexation has been denied by a city, no service expansion will be required to maintain existing levels of service, the proposed use conforms to the uses designated by the city general plan and the proposed density conforms to the density of the County General Plan. [As amended Dec. 1981- Constructed Environment amendment]
- LUM.4.3 Urban Service Areas and new city incorporation should include only those areas which are reasonably serviceable, relatively hazard free, and without substantial predictable adverse environmental impact.
- LUM.4.4 Lands unsuited for urban development shall not be annexed to cities or included in Urban Service Areas. It is intended that a line be established through joint City/County effort, that will define the limit of future urban expansion. This line shall be based on the need to prevent the over development of hazardous lands and the need to protect the resources of the county. (See the Constructed Environment Chapter.)
- LUM.4.5 The County shall take special care to enhance and protect the lands and waters which will remain under County jurisdiction.
- LUM.4.6 LAFCO should affirm the five year Urban Service Area concept, and allow additions to Urban Service Areas only if there is less than a five year supply of vacant land within the existing Urban Service Area.









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## DETAILED LAND USE POLICIES

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- LUM.5.1            Included within this section are a collection of detailed policies for specific areas and special circumstances.
- LUM.5.2            These detailed policies are intended to provide interim guidance to land development in Rural Residential areas, in the Los Gatos Watershed, and in San Martin. They are to be adopted as an appendix to the General Plan, shall be subject to revision as needed, and may be amended outside of the annual period for normal revision of the General Plan.

## A. DENSITY CRITERIA FOR THE RURAL RESIDENTIAL DESIGNATION

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LUM.5.3 In addition to the Rural Residential Density Criteria listed on the Land Use Map, a suitable building site, leachfield site and suitable road/driveway access to each parcel must be demonstrated. Many of the large lots which are subject to further land division within the Rural Residential areas were found to have limitations for land development which need attention at the time of subdivision. The following criteria shall be used for Rural Residential areas until such time as a comprehensive set of General Plan criteria for building sites, septic leachfields, and access have been developed and adopted by the Board of Supervisors.

LUM.5.4 **Suitable building site areas shall be:**

1. Accessible from roads and driveways which meet acceptable criteria for their location and meet County standards.
2. Located so that there is an acceptable septic tank leachfield area where pumping is not required.

LUM.5.5 **The footprint of the building shall be outside of:**

1. Floodways and other areas of special inundation hazard according to the Santa Clara Valley Water District.
2. Natural slopes above 30%.
3. Areas of potential geological instability including:
  - o Landslides which in the judgment of the County Geologist have a moderate or greater probability for movement following proposed alterations.
  - o Fault traces and setbacks from fault traces to account for branch faulting to a width of 50 feet, or more if determined to be needed by the County Geologist.
  - o Areas which have a high liquefaction potential including lands underlain by Bay Mud and lands near creeks which are considered hazardous for building by the County Geologist.
  - o Fills of unknown or unstable composition.
4. Land subject to seiche wave splash hazard surrounding County reservoirs as determined by the County Geologist.

5. Lands which are accessible only through hazardous areas unless hazards can be sufficiently mitigated. These include:
  - o Insufficient bridges,
  - o One lane roads,
  - o Active landslides,
  - o Roads not accessible to fire equipment.
6. Lands where structurally damaging soil creep is occurring and where such soil creep will be accelerated by building pad construction and vegetation removal.
7. Unreclaimed quarries.
8. Lands where maximum combined depth of necessary vertical cuts and fills exceeds 10 feet.
9. Lands within an official fire hazard area where there would be 10 or more dwellings on a dead-end road of over 800 feet in length.

## LUM.5.6

**Suitable leachfield site areas shall be:**

1. At least one-half acre per lot or potential building site is required. Slopes of less than 20 percent are recommended. Grading to artificially create an area of acceptable size shall not be allowed.
2. Depth to groundwater shall be greater than 10 feet from the surface in wet season testing. (Tests are required in areas within 200 feet of creeks, and watercourses and areas of known high groundwater as mapped on General Plan Maps).
3. The leachfield area shall not be subject to flood hazard or problem drainage which would interfere with functioning of the septic system.
4. Tests are required to determine if the depth of permeable soil meets the requirements of the Regional Water Quality Control Boards.
5. This required area shall not be located:
  - o Within 100 feet of creeks and watercourses.
  - o Within 200 feet of reservoirs.
  - o Within 100 feet of wells.
  - o Within 50 feet of a cut bank, or within 50 feet of a property line where individual wells may be used for domestic water supply.
6. Landslides with moderate or greater potential for activation and the land within 30 feet of the uphill side of such landslides (subject to the County Geologists review) may not be used as the required area.

LUM.5.7

**Suitable roadway/driveway locations shall not traverse areas:**

Where natural slopes are greater than 30 percent; where cuts and fills to achieve the desired road width cannot be limited to a maximum combined total of ten feet; where there is high soil creep potential; where landslide potential following alteration is moderate or greater in the opinion of the County Geologist; where there are unstable fills; or in areas of natural creek dependent vegetation.

**Heritage Resources and Other Policies**

LUM.5.8

Roads, building sites and leachfield areas shall be located where they would conform to all County General Plan requirements such as noise compatibility, heritage resource protection, etc.

**Implementation**

LUM.5.9

Develop at the earliest possible date and implement a set of General Plan Criteria for Land Development with the participation of all agencies responsible for the conditioning of Land Development projects.



## B. CREATION OF SUBSTANDARD LOTS AT THE URBAN SERVICE AREA BOUNDARIES

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LUM.5.10\*

The creation of substandard parcels of land (not meeting the lot size designation of the General Plan or the applicable zoning district) at the edge of Urban Service Areas may be allowed, if the following conditions are met:

1. The parcel to be included within the Urban Service Area is below the 15% slope line and is otherwise "suited for urban development" in conformance to General Plan policies.
2. The parcel to be included within the Urban Service Area must be immediately annexable; that is, it must be contiguous to existing city limit lines.
3. If the parcel to remain in County jurisdiction falls outside of adopted criteria for lands "unsuitable for urban development," the parcel map will be marked "subject to further approval."
4. If the parcel falls within the adopted criteria for lands "unsuited for urban development," an open space easement shall be applied to the parcel to remain under County jurisdiction.
5. The city will designate the Urban Service Area boundary line at this point to be a section of the urban limit line, as defined in other General Plan Land Use Policies, thus indicating no further urban expansion will occur at this point. [New policy - Adopted Dec. 1981 - Urban Service Area Boundary Lot Splits amendment]

LUM.5.11\*

This policy would only take effect if LAFCO indicates no objection to the proposal by correspondence with the County Planning Director. [New policy - Adopted Dec. 1981 - Urban Service Area Boundary Lot Splits amendment]



## **C. LOS GATOS WATERSHED LAND USE POLICIES**

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### **BOUNDARIES**

- LUM.5.12 The Los Gatos Watershed includes all the land in Santa Clara County which drains into the Lexington Reservoir below Lake Elsmar.
- LUM.5.13 These policies shall be reviewed and revised as necessary after completion of the Los Gatos Watershed Water Quality Study.

### **GENERAL PLAN DESIGNATION**

- LUM.5.14 The Los Gatos Watershed is designated "Resource Conservation -- Hillside."

### **COUNTY STANDARDS**

- LUM.5.15 Because of the severe problems of fire protection, including water supply and pressure, access and service; domestic water supply and quality; general watershed water quality; erosion; road maintenance; circulation, and road safety; geological hazard issues; and protection of the natural environment, in the portions of the Los Gatos Watershed with lots of 10 acres or less, no new building shall be permitted and no building sites created or new lots created except with the strictest adherence to County Standards and criteria.
- LUM.5.16 Variances to zoning setbacks shall be allowed only when it can be found that there will be no adverse traffic or other safety or health impact. Setback variances are not intended to be used to secure building site approval for otherwise unbuildable parcels.

### **COMMERCIAL LAND USES**

- LUM.5.17 Until the conclusion of the Water Quality Study, commercial land uses should be limited to those properties currently serving commercial functions.
- LUM.5.18 If commercial land uses are needed in the future they should be located near existing commercial uses.
- LUM.5.19 New commercial land uses should be Neighborhood Commercial, permitting uses which satisfy local day-to-day needs and do not result in additional traffic from outside the Los Gatos Watershed.
- LUM.5.20 No commercial development such as motels and restaurants, which generate high levels of sanitary waste shall be allowed to develop on septic tanks.

- LUM.5.21 Prior to establishment or expansion of a commercial use, assured, dependable and adequate water pressure shall be demonstrated, appropriate to the specific use.

### **INDUSTRIAL**

- LUM.5.22 No new industrial uses shall be approved.

### **NON-CONFORMING PARCELS IN COUNTY OWNERSHIP**

- LUM.5.23 The County should retain ownership of any non-conforming parcels acquired as a result of tax delinquency unless the parcels can be merged with adjacent developed parcels and/or unless an open space easement is applied to the parcel.

### **LOGGING**

- LUM.5.24 There shall be no commercial logging within those areas that are primarily residential where lots are generally less than 10 acres. Within these areas, which are primarily residential, limited tree harvesting not requiring heavy equipment shall be allowed, taking not more than 10 percent of the existing board feet in any five year period.

### **DEFICIENCIES**

- LUM.5.25 The County shall seek correction of substandard health and safety related conditions at the time of resale of dwellings.

### **IMPLEMENTATION**

- LUM.5.26 **Correction of Deficiencies:** The County shall design a program and adopt appropriate codes to inspect structures within the Los Gatos Watershed at the time of resale and require correction of health and safety deficiencies.  
(Implementor: County)

- LUM.5.27 **Commercial Needs:** Standards and guidelines should be developed for the future amount of commercial activities needed in the Los Gatos Watershed.  
(Implementor: County Planning Commission)

## D. SAN MARTIN LAND USE POLICIES

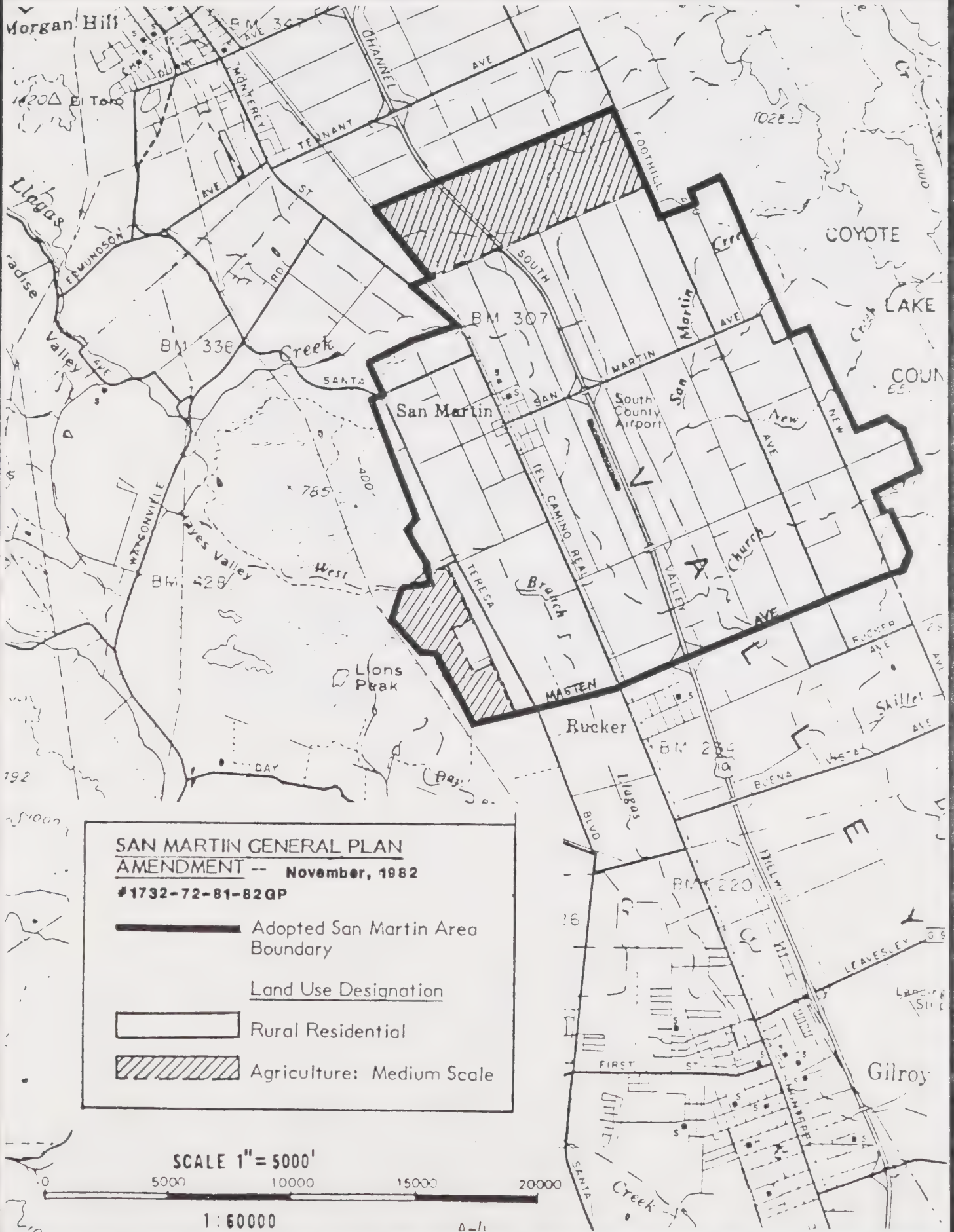
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- LUM.5.28\* The San Martin boundary encompasses the area between Maple Avenue on the North; Masten Avenue on the South; the East Foothills and West Foothills (excluding those areas annexed to Morgan Hill). It excludes that part of the current study area which lies west of Monterey Road and between the hillcrest north and paralleling California Avenue and West Middle Avenue. (See attached map entitled: San Martin General Plan Amendment). [As amended Nov. 1982 - San Martin Land Use Policies amendment]

### GENERAL POLICIES

- LUM.5.29\* San Martin should be viewed as a distinct entity, containing unique rural characteristics. Care should be taken to prevent premature commitment of land for uses which would restrict future options for the community. [As amended April 1983 - San Martin Land Use Policies amendment]
- LUM.5.30\* The density and location of future land divisions should reflect the recommendations of the San Martin Area Water Quality Study (1981) to maintain groundwater quality. [New policy - Adopted April 1983 - San Martin Land Use Policies amendment]
- LUM.5.31\* The County endorses the concept of community participation by residents and property owners in the decisions affecting San Martin. [As amended April 1983 - San Martin Land Use Policies amendment]
- LUM.5.32\* If land use is to be significantly intensified, improvement and services will be required such as additional fire protection, street improvements, a unified water distribution system, and a wastewater management system. The County should determine the best method to finance these improvements and services and determine which government entity should administer and operate them. [As amended April 1983 - San Martin Land Use Policies amendment]
- LUM.5.33\* Any future development plan of San Martin should include street landscaping standards, setback and sign standards, historical resource policies, policies for undergrounding public utilities, and policies regarding other improvements. [As amended April 1983 - San Martin Land Use Policies amendment]









## INDUSTRIAL USES

LUM.5.34\*

Light industrial uses should be located in those areas where use permits have previously been granted. New or significantly expanded uses may be considered by the use permit procedure on property within the boundary of the San Martin Industrial and Commercial Use Permit Areas map. In the areas of highly permeable soils along Llagas Creek, industrial uses should be situated and designed to restrict any form of waste discharges into the creek. These uses should be light industrial in character and have low water usage. The beauty of the creek should be enhanced. (See attached map entitled: San Martin Commercial and Industrial Use Permit Areas). [As amended Nov. 1982 - San Martin Land Use Policies amendment]

LUM.5.35\*

New or significantly expanded industries may be allowed on septic systems only if they can comply with the current regulations of the County Septic System Ordinance. [As amended Nov. 1982 - San Martin Land Use Policies amendment]

LUM.5.36\*

New or significantly expanded industrial uses may be allowed only if served by hydrants and water supply in sufficient volume and pressure for fire suppression. [New policy - Adopted Nov. 1982 - San Martin Land Use Policies amendment]

LUM.5.37\*

New or significantly expanded industrial uses may be allowed only if they can be adequately drained by a storm drainage system. On-site surface coverage should be limited to a small percentage of the total lot area in order to not create significant volumes of runoff waters. [New policy - Adopted Nov. 1982 - San Martin Land Use Policies amendment]

## COMMERCIAL LAND USES

- LUM.5.38\* Commercial land uses should be limited to the vicinity of current commercial activities, and where use permits have previously been granted. They should continue to be permitted only by the use permit procedure and located on property within the boundary of the San Martin Industrial and Commercial Use Permit Areas map. (See attached map entitled: San Martin Commercial and Industrial Use Permit Areas.) [New policy - Adopted Nov. 1982 - San Martin Land Use Policies amendment]
- LUM.5.39\* In the areas of highly permeable soils along Llagas Creek, commercial uses should be situated and designed to restrict any form of waste discharge in the creek. [New policy - Adopted Nov. 1982 - San Martin Land Use Policies amendment]
- LUM.5.40\* Properties may be eligible for commercial development by virtue of their location, traffic flow, or proximity to other commercial uses. [As amended Nov. 1982 - San Martin Land Use Policies amendment]
- LUM.5.41\* New commercial land uses should be those which provide support services for agriculture and satisfy the local day-to-day commercial needs of the residents of San Martin and do not result in significant additional traffic from outside the community. [As amended Nov. 1982 - San Martin Land Use Policies amendment]
- LUM.5.42\* Those types of commercial uses which generate high volumes of sanitary waste waters, for example motels and restaurants, should not normally be allowed to develop on septic tanks, unless provision can be made for special treatment devices in conjunction with and compliance with County septic tank regulations and specific approval by the Regional Water Quality Board Officials. No new septic systems should be developed in the highly permeable soils of Llagas Creek. [As amended Nov. 1982 - San Martin Land Use Policies amendment]
- LUM.5.43\* New or significantly expanded commercial uses may be allowed only if they can be served by an adequate storm drainage system. [New policy - Adopted Nov. 1982 - San Martin Land Use Policies amendment]
- LUM.5.44\* Prior to establishment or expansion of a commercial use, an assured, dependable, and adequate water supply both in volume and pressure for fire suppression shall be demonstrated for the specific use. [As amended Nov. 1982 - San Martin Land Use Policies amendment]



# SAN MARTIN COMMERCIAL AND INDUSTRIAL USE PERMIT AREAS

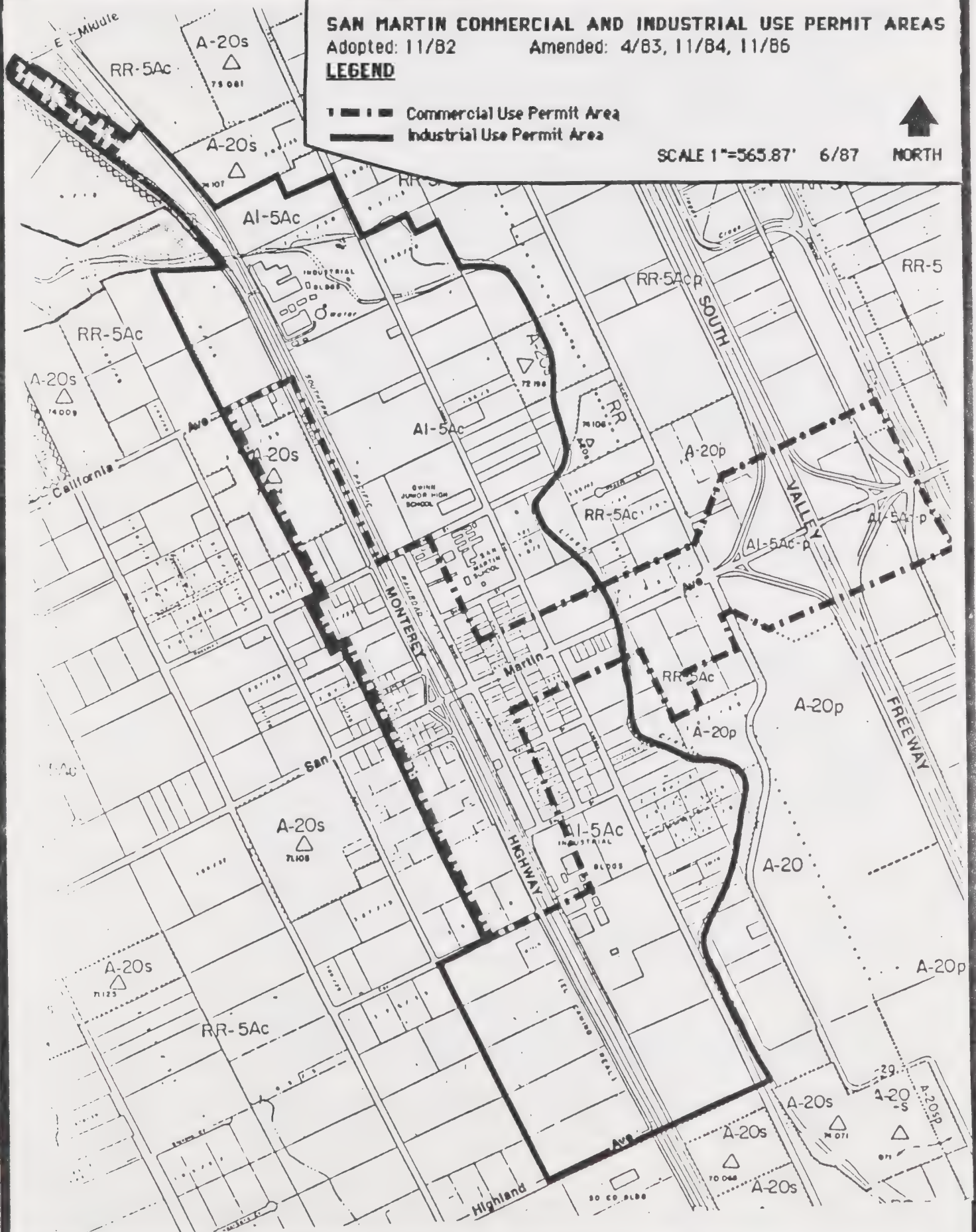
Adopted: 11/82

Amended: 4/83, 11/84, 11/86

## LEGEND

- Commercial Use Permit Area
- Industrial Use Permit Area

SCALE 1"=565.87' 6/87





LUM.5.45\* Future extensive development of commercial land uses should only occur when the full range of service infrastructure have been provided for. The standards and guidelines for the amount of commercial land use would be established in conjunction with an urban density land use development plan for the area. [As amended Nov. 1982 - San Martin Land Use Policies amendment]

LUM.5.46\* Criteria should be established to allow cottage-type industry (defined as commercial type uses that are somewhat more intense than home-occupations and less intense than those generally requiring a use permit) outside of the commercial land/industrial areas designated herein. [New policy - Adopted Nov. 1982 - San Martin Land Use Policies amendment]

### **INSTITUTIONAL LAND USES**

LUM.5.47\* County expansion of or new County facilities in San Martin requiring either construction or relocation should be reviewed with local residents and property owners prior to being established in the community. [As amended April 1983 - San Martin Land Use Policies amendment]

LUM.5.48\* Prior to changing any policies regarding the South County Airport, the proposed policies should be reviewed with residents and property owners of the San Martin Area. [New policy - Adopted April 1983 - San Martin Land Use Policies amendment]

### **RESIDENTIAL LAND USES**

LUM.5.49\* Existing residential land uses in San Martin should continue. [As amended Nov. 1982 - San Martin Land Use Policies amendment]

LUM.5.50\* Within the commercial/industrial use permit areas a residential use may be continued or developed on the same parcel as an industrial or commercial use so long as there is adequate area for construction and maintenance of separate septic systems for each use on the parcel. [New policy - Adopted Nov. 1982 - San Martin Land Use Policies amendment]

### **LAND DIVISIONS**

LUM.5.51\* The minimum lot size shall be no less than five (5) acres. [As amended Nov. 1982 - San Martin Land Use Policies amendment]

### **AGRICULTURAL LAND USES**

LUM.5.52\* Agricultural uses should be encouraged to continue. [As amended Nov. 1982 - San Martin Land Use Policies amendment]

LUM.5.53 New development should be compatible with existing agricultural uses.



- LUM.5.54\* New and expanded intensive agricultural uses which have the potential for generating significant volumes of organic waste discharges may be permitted subject to use permit (i.e., mushroom farms, dairies, animal feed lots, poultry farms.) [New policy - Adopted Nov. 1982 - San Martin Land Use Policies amendment]

### **AREAS OF SPECIAL CONCERN**

- LUM.5.55\* Three types of areas which have been designated areas of particular environmental concern for development activity are Federal Floodways, and Special Flood Hazard Rate Zones, and Soils of High Permeability. [New policy - Adopted Nov. 1982 - San Martin Land Use Policies amendment]
- LUM.5.56\* In the areas of Federal Floodways and Soils of High Permeability activities permitted should be limited to those specific uses which (1) do not provide the potential for contamination of surface runoffs; (2) will not require additional septic systems; (3) and will not add potential for generating significant volumes of organic liquid wastes or nitrate to the groundwater aquifers. [As amended Nov. 1982 - San Martin Land Use Policies amendment]
- LUM.5.57\* Soils of high permeability are defined as those with permeability rates exceeding 6 inches per hour as delineated on the maps of Soils of Santa Clara County, 1968. [New policy - Adopted Nov. 1982 - San Martin Land Use Policies amendment]
- LUM.5.58\* In the area designated a Special Flood Hazard in the National Flood Insurance Program, any development shall comply with special regulations regarding the construction and improvement of structures, mobile homes, water and sewer systems adopted by the County Board of Supervisors in order to minimize flood damage and potential contamination of surface waters. [New policy - Adopted Nov. 1982 - San Martin Land Use Policies amendment]

### **SCENIC HIGHWAY**

- LUM.5.59\* The portion of Highway 101 (South Valley Freeway) in San Martin should be considered a scenic highway. [As amended April 1983 - San Martin Land Use Policies amendment]

## **E. MONTEREY HIGHWAY USE PERMIT AREA**

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### **BOUNDARIES**

- LUM.5.60\* The Monterey Highway Use Permit Area consists of properties with access to and fronting on Monterey Road from Metcalf Road south to the county boundary excluding the Urban Service Areas of San Jose, Morgan Hill, Gilroy, and the San Martin Commercial and Industrial Use Permit Areas. [New policy - Adopted May 1984 - Monterey Highway Use Permit Area amendment]

### **LAND USE**

- LUM.5.61\* While the predominant land use in the unincorporated area of South County is agriculture, the County recognizes that there are along Monterey Road, within the areas designated "Agriculture" and "Rural Residential," currently established, non-agricultural land uses serving the South County community. It is the policy of the County that they continue as legal uses in the "Agriculture" and "Rural Residential" land use designations so that the needs of the South County may be served. To protect the area from an undesirable strip development, additional service uses will not be extended along Monterey Road. [New policy - Adopted May 1984 - Monterey Highway Use Permit Area amendment]
- LUM.5.62\* Legally established land uses fronting Monterey Highway, south of Metcalf Road, in areas designated "Agriculture" and "Rural Residential," shall continue as allowable uses by right or by use permit, depending on the regulations governing their original establishment. [New policy - Adopted May 1984 - Monterey Highway Use Permit Area amendment]

### **PERMIT TO EXPAND LEGAL USES**

- LUM.5.63\* Legally established uses may be expanded through the use permit process, with Architectural and Site Approval conditions to be included within the permit, if it is found that the expanded use:
1. Is essential or desirable to the public convenience or welfare of the South County community.
  2. Will not cause substantial adverse impact upon the environment.
  3. Will not be detrimental to public health, safety and the general welfare.
  4. Is compatible with the surrounding area.
  5. Will be upgraded to and can meet the current requirements and standards of all applicable regulating agencies and ordinances.

\* Indicates new or amended text

6. Will improve such conditions as traffic safety, water quality and drainage, working conditions for on-site workers, and the visual quality of the environment. [New policy - Adopted May 1984 - Monterey Highway Use Permit Area amendment]

LUM.5.64\*

This policy shall not apply to offsite advertising. [New policy - Adopted May 1984 - Monterey Highway Use Permit Area amendment]

### **PERMIT TO ESTABLISH LEGALITY OF OTHER EXISTING USES**

LUM.5.65\*

Other existing land uses as of January 1, 1984 may be granted legal status at the discretion of the Planning Commission through the Use Permit process, with Architectural and Site Approval conditions to be included within the permit, if it is found that the existing land use:

1. Is essential or desirable to the public convenience or welfare of the South County community.
2. Will not cause substantial adverse impact upon the environment.
3. Will not be detrimental to public health, safety and the general welfare.
4. Is compatible with the surrounding area.
5. Will be upgraded to and can meet the current requirements and standards of all applicable regulating agencies and ordinances.
6. Will improve such conditions as traffic safety, water quality and drainage, working conditions for on-site workers, and the visual quality of the environment. [New policy - Adopted May 1984 - Monterey Highway Use Permit Area amendment]

LUM.5.66\*

Application to establish legal status shall be made before December 31, 1985. [New policy - Adopted May 1984 - Monterey Highway Use Permit Area amendment]

LUM.5.67\*

This policy shall not apply to offsite advertising. [New policy - Adopted May 1984 - Monterey Highway Use Permit Area amendment]



## F. EAST FOOTHILLS AREA POLICY

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- LUM.5.68\* For purposes of this provision, the "East Foothills" is defined as those lands within the unincorporated areas of Santa Clara County, excluding those parcels within the Urban Service Area of the City of San Jose, which were the subject of a joint City-County Study in 1978-1979 and a map of which is on file in the County Planning Department. [New policy - Adopted June 1982 - East Foothills Area Policy amendment]
- LUM.5.69\* It is recognized that residential development in certain areas of the East Foothills has already taken place to an extent which may allow some flexibility in any future development within those areas to densities less than that allowed by the General Plan, Land Use Policy densities. [New policy - Adopted June 1982 - East Foothills Area Policy amendment]
- LUM.5.70\* These areas are comprised of one or several undeveloped parcels substantially surrounded by and contiguous to an area essentially developed for residential use in the East Foothills area and located in reasonably close proximity to the Urban Service Area boundaries. [New policy - Adopted June 1982 - East Foothills Area Policy amendment]
- LUM.5.71\* It shall be consistent with this General Plan - notwithstanding more generalized density designation as may appear on the Land Use Map - to allow some flexibility in the density of development for parcels deemed to be inconsistent with surrounding densities, provided that in no instance shall this amendment be interpreted to the effect that any application for rezoning shall, as a matter of right, be entitled to a density which is similar to that of the surrounding parcels. [New policy - Adopted June 1982 - East Foothills Area Policy amendment]
- LUM.5.72\* In lands presently designated as "Rural Residential," parcels which are substantially surrounded by and contiguous to lots 2-1/2 acres or smaller may be rezoned to densities up to but no greater than densities of adjacent parcels. In no instance, however, shall such parcels be rezoned less than 1 acre. [New policy - Adopted June 1982 - East Foothills Area Policy amendment]
- LUM.5.73\* In lands presently designated as "Hillside," parcels which are substantially surrounded by and contiguous to lots 10 acres or smaller may be rezoned to densities up to but no greater than densities of adjacent parcels. In no instance, however, shall such parcels be rezoned less than 10 acres. [New policy - Adopted June 1982 - East Foothills Area Policy amendment]

LUM.5.74\* This policy shall not apply to large acreages that are essentially between separated areas of existing dense improvement. [New policy - Adopted June 1982 - East Foothills Area Policy amendment]

LUM.5.75\* In applications for rezoning in both Rural Residential and Hillside areas, densities shall be determined by the Board of Supervisors so as to consider the potential impact of such development on those existing parcels by which it is surrounded or to which it is contiguous, and upon site specific factors which shall include but not be limited to, geologic, seismic, flood and fire hazards; traffic and access conditions; impairment of viewshed; adequacy of available or proposed water supply and human waste disposal systems; amount of grading required; and availability and costs of providing public services, such as fire and police protection. Prior to any rezoning, the following findings shall be made:

1. A development plan has been presented for the property which meets all other applicable County General Plan requirements.
2. The proposal will not result in significant adverse environmental impacts that cannot be mitigated to less than significant levels.
3. Necessary public services will be provided to the development without undue public expense.
4. Approval of the proposed rezoning is in the public interest. [New policy - Adopted June 1982 - East Foothills Area Policy amendment]



## **G. SPECIFIC AREA POLICIES**

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### **DENHART SUBDIVISION**

- LUM.5.76\* That property commonly known as the Denhart Subdivision located in the Santa Teresa Hills shall be designated "Rural Residential" with a lot size of 2.5 acres per dwelling unit. This designation conforms to existing land uses in the Denhart Subdivision. [New policy - Adopted Dec. 1981 - Denhart amendment]

### **ALVAREZ PROPERTY**

- LUM.5.77\* That property commonly known as the Alvarez property located on the northeast side of Miguelita Road, south of Crothers Road and Alum Rock Park, shall be subject to the East Foothills Area Policy; provided, that notwithstanding the "Hillside" designation, the property shall be subject to division into a maximum of four lots. [New policy - Adopted June 1982 - Alvarez amendment]

### **PFEIFFER PROPERTY**

- LUM.5.78\* The lower parcel of two existing parcels commonly known as the Pfeiffer Property located in the Santa Teresa Hills shall be designated "Rural Residential" with a lot size of one to five acres per dwelling unit. This parcel lies generally below the 15% slope line and is surrounded by existing lots at a density of one acre. In addition to the findings required under the State Subdivision Map Act and the Santa Clara County Ordinance Code any subdivision proposal for the property shall be subject to the following:

1. Development must be clustered in a manner which would minimize any impact on the sloping terrain.
2. A maximum of 14 lots could be created on the property with no lot being less than one acre.
3. Appropriate trail links would be provided through both the upper and lower portions of the property if such trail links would establish a needed connection to the upper ridge in accordance with County park trail requirements. [New policy - adopted Dec. 1981 - Pfeiffer Development Corp amendment]

### **CAREY AVENUE**

- LUM.5.79\* The 465 acres of property located east of Carey Avenue, approximately between Tennant and Maple Avenues, designated "Rural Residential" shall have a maximum density of 20 acres per dwelling unit. [New policy - Adopted Nov. 1982 - Kazizski amendment]

### **GASSETT PROPERTY**

LUM.5.80\*

That 8.95 acre parcel commonly known as the Gassett property, located on Crothers Road near Peacock Gap Drive shall be designated "Rural Residential" to allow for division of the property into no more than three lots. [New policy - Adopted April 1983 - East Foothills (Gassett) amendment]

### **WILLIS PROPERTY**

LUM.5.81\*

That property commonly known as the Willis property located at the intersection of Buena Vista Avenue and the South Valley Freeway shall be designated "Open Space Reserve - Industrial Use Allowed." Industrial uses shall be limited to the production of precast concrete walls. [New policy - Adopted Nov. 1983 - Willis amendment]

### **AIASSA PROPERTY**

LUM.5.82\*

That property commonly known as the Aiassa property, located northeast of Mt. Pleasant Road between Faud Land and Westview Drive, shall be designated "Rural Residential" with a five parcel maximum subdivision density. [New policy - Adopted June 1984 - Aiassa amendment]

### **SAKAI PROPERTY**

LUM.5.83\*

That property, referred to as the Sakai property, located on Pacheco Pass Highway, between Highway 101 and Llagas Creek, shall be allowed to parcel off 10 acres of land which contain Japanese structures from the 1939 San Francisco Exposition. This 10 acres shall be designated "Historic Area" and shall be subject to those policies of the Natural Environment section of the General Plan referring to Heritage Resources. [New policy - Adopted Nov. 1984 - Sakai amendment]

LUM.5.84\*

Allowable land uses will be those which maintain appropriate scale and character for the site and which seek to provide for the long-term preservation of this Historical Resource. These will include: Residential, Agriculture, and Open Space. [New policy - Adopted Nov. 1984 - Sakai amendment]

LUM.5.85\*

Further action should be taken to include this site in the Santa Clara County Heritage Resource Inventory. [New policy - Adopted Nov. 1984 - Sakai amendment]





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## APPLICABILITY

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LUM.6.1\*

Projects which have received tentative map or other final discretionary approval on or before October 20, 1980 shall be reviewed according to the General Plan of 1960 as it existed on the date of such approval. Any application for division of real property filed prior to March 12, 1979 and determined to be complete on or before December 31, 1980, or other date for completion established by the Board of Supervisors, shall be reviewed under the provisions of the General Plan as it existed on the date said application was filed. Any application for division of real property filed on or between March 12, 1979 and December 31, 1980, pursuant to Section 3 of Ordinance No. NS-9.233, as amended, or originally filed pursuant to Section 3 or Ordinance No. NS-9.237, as amended, and deemed complete by December 31, 1980, or other date for completion established by the Board of Supervisors if a new application is refiled by the same applicant for the subdivision, shall be reviewed for General Plan consistency on the basis of the General Plan as it existed at the time Ordinance No. NS-9.233 was adopted. Zone changes for any of the above subdivisions shall be examined for General Plan conformance using the same General Plan that was applied to the subdivision application. All other projects shall be reviewed for General Plan conformance in accordance with this plan as it exists on the date the action is taken. [As amended - Oct. 1986 - Applicability Clause amendment]

\* Indicates new or amended text









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